

CONGRESSIONAL RECORD SUMMARY

Thursday, March 21, 2002

HOUSE

The House was not in session today. Its next meeting will be held on Tuesday, April 9, 2002, at 2:00 p.m.

Committee Meetings:

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "*The Effects of the Global Crossing **Bankruptcy** on Investors, Markets, and Employees.*"

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on "*Combating Terrorism: Protecting the United States--Part II.*"
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Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on "*Turning the Tortoise Into the Hare: How The Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government.*"
Pages D 282-3

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on "*The INS and Office of Special Counsel for Immigration Related Unfair Employment Practices.*"
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Committee Meeting For Friday, March 22, 2002:

Committee on Government Reform, @ 9:00 a.m. Subcommittee on the District of Columbia, hearing on "*Privacy vs. Security: Electronic Surveillance in the Nation's Capital.*" 2154 Rayburn.
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Remarks:

Class Action Fairness Act Of 2002.
Pomeroy Page E 412

The Military Tribunal Authorization Act Of 2002.
Kucinich Pages E 421-2

Social Security Privatization.
Rush Page E 425

Homeland Security Issues.
Putnam Page E 427

Introduction Of The "Gun Show Background Check Act Of 2002."
Conyers Page E 432

Bring Social Security Privatization To The Floor For Debate.
Matsui Page E 438

SENATE

Measures Introduced:

S. 2048. A bill to regulate interstate commerce in certain devices by providing for private sector development of technological protection measures to be implemented and enforced by Federal regulations to protect digital content and promote broadband as well as the transition to digital television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Hollings

Pages S 2260, S 2269-72

S. 2053. *A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.*

Frist

Pages S 2260, S 2276-81

See Page S 2279: SEC. 204. Jurisdiction To Dismiss Actions Improperly Brought.

*Section 2111(a)(3) of the Public Health Service Act (42 U.S.C. 300aa-11(a)(3)) is amended by adding at the end the following: "If any civil action which is barred under subparagraph (A) or (B) of paragraph (2) is filed or maintained in a State court, or any vaccine administrator or manufacturer is made a party to any civil action brought in State court (other than a civil action which may be brought under paragraph (2)) for damages or equitable relief for a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988, the civil action may be removed by the defendant or defendants to the **United States Court of Federal Claims**, which shall have jurisdiction over such civil action, and which shall dismiss such action. The notice required by section 1446 of title 28, United States Code, shall be filed with the United States Court of Federal Claims, and that court shall proceed in accordance with sections 1446 through 1451 of title 28, United States Code."*

S. 2054. A bill to amend the Public Health Service Act to establish a Nationwide Health Tracking Network, and for other purposes ; to the Committee on Health, Education, Labor, and Pensions.

Clinton

Page S 2260

S. 2055. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

Cantwell

Pages S 2260, S 2281-3

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 360, providing for an adjournment of the House of Representatives and a recess or adjournment of the Senate.

Pages S 2219-20, D 276

Indian Lands: Senate passed H.R. 3985, to amend the Act entitled "*An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,*" approved August 9, 1955, **to provide for binding arbitration clauses in leases** and contracts related to reservation lands of the Gila River Indian Community, **clearing the measure for the President.**

Pages S 2307, D 276

S. 517. Energy Policy Act:

Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action

on the following amendments proposed thereto:

*Pages S 2194-S 2219, S 2221-2,
S 2223-9, S 2231-9, D 276*

Adopted:

By 97 yeas to 1 nay (Vote No. 56), Reid (for Daschle/Leahy) Amendment No. 3040 (to Amendment No. 2917), to express the sense of the Senate on the fair treatment of Presidential judicial nominees.

Pages S 2199-S 2219, D 276

"... Between 1995 and when the Democrats took over the majority, vacancies on the courts of appeal rose to a total of almost 250 percent higher than before. When we finally took over, we were faced with 32 vacancies on the courts of appeal. In spite of this, the Democratic majority has kept up with the rate of attrition by confirming seven judges to the circuit courts in only 9 months and holding more hearings on three more. Particularly, we have been working to improve conditions in the Fifth, Tenth, and Eighth sitting..." (Leahy, page S 2200)

"... Last Thursday, Senator Lott introduced a resolution calling for the Judiciary Committee to hold hearings on each of the circuit court judges nominated by President Bush on May 9 of last year. We are coming up on the 1-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received well-qualified or qualified ratings from the American Bar Association, which some of my Democratic colleagues have described as the gold standard in evaluating judicial nominees. Why is it so problematic that none of these 8 nominees have received a hearing or vote? It is no secret that there is a vacancy crisis in the Federal circuit courts, and that we are making no progress in addressing it. Let's take a look at some numbers. A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office. When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress--it represents stagnation..." (Hatch, page S 2201)

"... It would be my hope that we could establish a protocol. I have prepared a resolution which would go beyond what Senator Lott has called for and would call for a timetable established by the chairman of the committee, in collaboration with the ranking member, to set a sequence for when a nominee for the district court, circuit court, or Supreme Court would have a hearing. Let that be established and let it be followed regardless of who controls the White House and regardless of who controls the Senate. Then a timetable ought to be established for a markup for action by the committee in executive session, and a timetable should be established for reporting the nomination out to the floor. There ought to be latitude and flexibility for that timetable to be changed for cause where there is a need for a second hearing or where an additional investigation has to be undertaken. But there ought to be a set schedule which would apply regardless of a Democrat making appointments to a Judiciary Committee controlled by Republicans or a President who is a Republican submitting nominations to the committee controlled by the Democrats. It seems to me that just makes fundamental good sense. If we established that protocol, it would stay in effect and we would end the political division which is not good for the reputation of the Senate, it is not good for the reputations of the Senators, and most importantly, it is not good for the country. The resolution I have prepared would further provide that where a vote occurs for a district court judge or court of appeals judge along party lines, that nomination be submitted for action by the full Senate. The rationale behind that, simply stated, is if it is partisan politics, then let the full Senate decide it..." (Specter, page S 2204)

S. 517. Energy Policy Act (Cont'd.):

Rejected:

By 47 yeas to 51 nays (Vote No. 57), Lott Amendment No. 3033 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2194, S 2199-S 2219, D 276

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

*Pages S 2194-S 2219, S 2221-2,
S 2223-9, S 2231-9, D 277*

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Pages S 2194, D 277

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2194, D 277

During consideration of this measure today, Senate also took the following action:

By unanimous-consent, Lott Amendment No. 3033 (listed above) was considered a first-degree amendment.

Pages S 2195, D 277

Committee Authority:

A unanimous-consent agreement was reached providing that on Friday, March 22, 2002, the Committee on the Budget have until 4 p.m., to report the budget resolution, notwithstanding an adjournment of the Senate.

Page S 2308, D 277

Nominations Received:

Senate received the following nominations:

Morrison C. England, Jr., of California, to be **United States District Judge for the Eastern District of California**, vice Lawrence K. Karlton, retired.

Amy J. St. Eve, of Illinois, to be **United States District Judge for the Northern District of Illinois**, vice George W. Lindberg, retired.

Henry E. Autrey, of Missouri, to be **United States District Judge for the Eastern District of Missouri**, vice George F. Gunn, retired.

Richard E. Dorr, of Missouri, to be **United States District Judge for the Western District of Missouri**, vice D. Brook Bartlett, deceased.

David S. Cercone, of Pennsylvania, to be **United States District Judge for the Western District of Pennsylvania**, vice Donald J. Lee, retired.

Timothy J. Savage, of Pennsylvania, to be **United States District Judge for the Eastern District of Pennsylvania**, vice Edward N. Cahn, retired.

Bruce E. Kasold, of Virginia, to be a *Judge of the United States Court of Appeals for Veterans Claims for the term of thirteen years. (New Position)*

Ronald Henderson, of Missouri, to be **United States Marshal for the Eastern District of Missouri** for the term of four years.

Pages S 2308-9, D 278

Committee Meetings:

Committee on Appropriations: Subcommittee on District of Columbia concluded hearings on proposed budget estimates for fiscal year 2003.

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other

public companies, focusing on oversight and regulation of the accounting profession, and the potential need for a more responsive federal securities law.

Committee on the Budget: Committee ordered favorably reported an original concurrent resolution, setting forth the fiscal years 2003- 2012 budget for the Federal Government.

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Committee on Governmental Affairs: Committee ordered favorably reported the following bills: **H.R. 169**, *to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, with amendments*; **S. 803**, *to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, with an amendment in the nature of a substitute*; **S. 1867**, *to establish the National Commission on Terrorist Attacks Upon the United States, with an amendment*; **S. 1811**, *to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees, with an amendment*; **S. 1822**, *to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over*; **H.R. 2305**, *to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating*.

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Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following bill: **S. 1992**, Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, with an amendment in the nature of a substitute.

Committee on the Judiciary: Committee concluded hearings on **S. 1974**, to make needed reforms in the Federal Bureau of Investigation, and to examine the Department of Justice Inspector General report regarding records, information, and technology management issues addressed after the handling of the Oklahoma City bombing investigation.

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded hearings on **S. 924**, to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods, and to examine the funding needs of state and local law enforcement programs to meet the demands of homeland defense, including the Community Oriented Policing Services (COPS) program.

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Next SENATE MEETING: Friday, 10:00 a.m., March 22, 2002.

Next HOUSE MEETING: Tuesday, 2:00 p.m., March 22, 2002.

OLA: S. Schwarz, A. Santos